

TORREZ DEPOSITION

Mario Ray Torrez 4/23/2015

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RICARDO ARREDONDO, RICHARD)
RABINO AND MARIO TORREZ,)
Plaintiffs,)
VS.) CA NO. 2:14-cv-00170
WEATHERFORD INTERNATIONAL,)
LLC and JOEY ESTRADA,)
Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF

MARIO RAY TORREZ

April 23, 2015

Oral and videotaped deposition of
MARIO RAY TORREZ was taken on April 23, 2015, in The Law
Office of Thomas J. Henry, 521 Starr Street, Corpus
Christi, Texas, from 2:33 p.m. to 7:51 p.m., before
Dickie Zimmer, Certified Shorthand Reporter, pursuant to
Notice and the Federal Rules of Civil Procedure and
under the following agreement of counsel for the
respective parties that:

The deposition may be signed by the witness
before any Notary Public or officer authorized to
administer oaths.

O'Neal Probst Wells - 713-521-1314

Houston/Galveston Dallas/Fort Worth Austin/San Antonio Bryan/College Station Corpus Christi

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

The Law Office of Thomas J. Henry
521 Starr Street
Corpus Christi, Texas 78401
Phone: 361.985.0600
Fax: 361.985.0601
Email: gteeter@thomasjhenry.com
By: Gregory A. Teeter

FOR THE DEFENDANT, WEATHERFORD INTERNATIONAL,
LLC:

Jackson Walker L.L.P.
1401 McKinney Street, Suite 1900
Houston, Texas 77010
Phone: 713.752.4200
Fax: 713.752.4221
Email: agarcia@jw.com
By: Angeles Garcia
Nickolas G. Spiliotis

ALSO PRESENT:

Richard Rabino
John Garza, Videographer

* * * * *

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1 have nicknames?

2 A. Yeah.

3 Q. And were you ever assigned to a different fleet?

4 A. No, ma'am.

5 Q. Were you ever assigned to a different crew?

6 A. No, ma'am.

7 Q. But you may have worked for different service
8 supervisors?

9 A. At one time or another, yes; but only -- only
10 pertaining to that crew. Because I never left that
11 crew; so, whoever alternated in and out, that's who I
12 worked with.

13 Q. And who did you understand to be service
14 supervisors on your crew?

15 A. I just mentioned them to you.

16 Q. So, that was Mr. Estrada, Trini, Joe I, Monaco
17 and Adrian?

18 A. Yes.

19 Q. No one else?

20 MR. TEETER: Objection, form.

21 A. Not to my recollection.

22 Q. (By Ms. Garcia) Okay. When you first started at
23 Weatherford, did you undergo some new hire orientation?

24 A. Yes, ma'am.

25 Q. Was it a classroom environment?

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1 A. Yes, ma'am.

2 Q. Were other new hires in the room with you?

3 A. Yes, ma'am.

4 Q. About how many?

5 A. About a dozen, if I had to guess, give or take.

6 Q. Fair enough. Do you remember who they were?

7 A. No, ma'am.

8 Q. Where was the training held? I'm sorry. Where
9 was the orientation held?

10 A. In the outdoor classroom, a little trailer, a
11 portable trailer.

12 Q. Was this in Alice?

13 A. Yes, at the -- yes.

14 Q. Is that trailer different from the yard?

15 A. It's in the trailer in the yard. A portable
16 classroom, whatever you want to call it.

17 Q. We can call it a trailer; is that good?

18 A. Sounds good.

19 Q. Do you remember how long the orientation lasted?

20 A. No, ma'am. I wouldn't -- no, ma'am.

21 Q. Tell me what you remember.

22 A. I remember --

23 MR. TEETER: Objection, form.

24 A. -- receiving papers. I remember -- I don't

25 remember much of the orientation, to be honest. It was

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1 Q. And do you remember where you put this policy?

2 A. In my car; and then, in my house.

3 Q. Would you still have it?

4 A. No, ma'am. It got lost in the move.

5 Q. Okay. Now, at the time you received this policy,
6 did you have any reason to believe that a human
7 resources manager, the vice president of human resources
8 or the corporate legal department would not investigate
9 a complaint of harassment promptly and thoroughly?

10 A. I --

11 MR. TEETER: Objection, form.

12 A. I wouldn't know. I really didn't understand HR.

13 Q. (By Ms. Garcia) Okay. Would anything lead you
14 to believe that HR was untrustworthy?

15 A. Yes.

16 Q. Okay. What is that?

17 A. I believe -- let me think about this before I
18 state it.

19 I believe the higher-up authorities in that
20 company had too close of a relationship for it not to be
21 discussed amongst others.

22 Q. Who do you mean by higher authorities?

23 A. I mean supervisors and anybody with authority in
24 the office. I don't believe anything was hush-hush.

25 Q. Why --

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1 Did you ever report anything to HR?

2 A. No.

3 Q. Are you including HR in your definition of higher
4 authorities?

5 A. Yes, ma'am.

6 Q. Okay. So, you wouldn't actually know one way or
7 the other?

8 MR. TEETER: Objection, form.

9 A. As far as what?

10 Q. (By Ms. Garcia) Whether that was true, your
11 belief?

12 MR. TEETER: Objection, form.

13 Q. (By Ms. Garcia) Let me rephrase.

14 A. Fair enough.

15 Q. You stated that you'd never reported anything to
16 human resources; is that correct?

17 MR. TEETER: Objection, form.

18 A. To my knowledge, no.

19 Q. (By Ms. Garcia) Okay. So, if you'd never
20 reported anything to human resources --

21 A. Uh-huh.

22 Q. -- how would you know that they would not keep
23 information confidential?

24 A. Just a gut feeling, I guess, if you want to put
25 it that way. I just see how the relationship is inside

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1 policy?

2 MR. TEETER: Objection, form.

3 A. I wouldn't know. I don't know what they done at
4 this point.

5 Q. (By Ms. Garcia) Okay. So, you don't have any
6 evidence to suggest whether that's the case?

7 MR. TEETER: Objection, form.

8 A. To support them that they have investigated; is
9 that what you are asking?

10 Q. (By Ms. Garcia) Let me rephrase --

11 A. Yeah.

12 Q. Do you want me to rephrase?

13 Okay. Do you have any evidence to suggest that
14 any of these people --

15 A. Uh-huh.

16 Q. -- would not promptly and thoroughly investigate
17 a violation of the sexual harassment policy?

18 MR. TEETER: Objection, form.

19 Q. (By Ms. Garcia) It's a "yes" or "no."

20 MR. TEETER: No, don't instruct him to
21 answer "yes" or "no." You can -- he can answer the
22 question that you ask, Counsel.

23 A. No, I don't have no evidence to support that.

24 Q. (By Ms. Garcia) Did you ever ask questions about
25 this sexual harassment policy?

1 Q. What is the difference?

2 A. The yard is in Alice, the field is at --

3 Q. I'm sorry. The yard is in?

4 A. Alice.

5 Q. Alice.

6 A. And the field is in -- wherever the well is at.

7 It could be in Sinton. It could be in Laredo. It could
8 be in --

9 Q. Okay.

10 A. -- location.

11 Q. Okay. And you, previously, mentioned a trailer.
12 Is that in the yard?

13 A. That's in the yard.

14 Q. In Alice?

15 A. In Alice.

16 Q. Is that where human resources is located?

17 MR. TEETER: Objection, form.

18 A. I believe so.

19 Q. (By Ms. Garcia) Okay. And where is dispatch?

20 A. At the Alice yard.

21 Q. At the yard?

22 A. Yeah.

23 Q. Okay. So, saying "dispatch" and saying "the
24 yard" are saying the same thing?

25 A. Yeah.

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1 Q. Okay. Are there breakrooms in there?

2 A. Actually, I don't know. I never went as far as
3 the picnic tables.

4 Q. Okay. Do other people?

5 A. I wouldn't know --

6 MR. TEETER: Objection, form.

7 A. -- because I wouldn't know if there's a
8 breakroom. I really don't know if there's a breakroom.

9 Q. (By Ms. Garcia) Why didn't you go further than
10 the picnic tables?

11 A. That is -- that's all I was required to go.

12 Q. Okay. All righty. Were you allowed in the
13 trailer?

14 A. After -- aside from orientation, I wouldn't even
15 know. I never even attempted it.

16 Q. Okay. Were you allowed in dispatch?

17 A. Yes, that's where the timeclock was at.

18 Q. So, you reported to dispatch daily?

19 A. Upon service, yeah, whenever I was called in.

20 Q. Okay. And what about in dispatch, did you ever
21 notice a bulletin there?

22 A. No, I noticed the timeclock.

23 Q. Okay.

24 All right. Sir, I've just handed what was marked
25 as Exhibit No. 12, correct?

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1 A. I couldn't even -- I couldn't even guess. Age
2 can be deceiving.

3 Q. Okay. Would you guys play pranks on each other?

4 A. Not me in general.

5 Q. When you say not you in general, would anybody
6 else?

7 A. Yes, I've observed pranks.

8 Q. And would you say that the guys on your crew were
9 fairly young?

10 A. I couldn't tell you.

11 Q. You couldn't tell me?

12 A. I couldn't -- no, I'm terrible at ages.

13 Q. Okay. And what type of pranks would they play?

14 A. I take it, from a firsthand point of view?

15 Q. Uh-huh.

16 A. Because, honestly, it's from my perspective.

17 Q. Just --

18 Okay. Let me -- let me clarify. What I'm asking
19 for are examples of pranks that you saw.

20 A. Actually, I -- that I saw, I don't recollect. I
21 was thinking of pranks, basically, pulled on me. I was
22 more of the victim than anything.

23 Q. Okay. What kind of pranks?

24 A. I've had brake cleaner sprayed on my ass on my
25 overalls. I've had all sorts of accessories glued to my

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1 hardhat without my knowledge. I've been duct taped on
2 multiple occasions. That's not necessarily a prank,
3 it's more harassment.

4 Q. You said duct tape, brake cleaner and things on
5 your hat --

6 A. Yeah.

7 Q. -- on your hardhat?

8 A. Yeah.

9 Q. And did you ever report any of this?

10 MR. TEETER: Objection, form.

11 A. No, ma'am, I didn't.

12 Q. (By Ms. Garcia) Okay. And would you say those
13 pranks were harmless?

14 A. No.

15 Q. How often were people pranking each other?

16 MR. TEETER: Objection, form.

17 A. I can't recall.

18 Q. (By Ms. Garcia) Did people play pranks on other
19 people, besides you?

20 MR. TEETER: Objection, form.

21 A. I can't recall.

22 Q. (By Ms. Garcia) Okay. What about roughhousing?
23 Do you understand what I mean by that?

24 A. To an extent.

25 Q. What do you understand roughhousing to mean?

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1 A. I don't -- I don't remember, ma'am.

2 Q. And you worked at Weatherford for three months?

3 A. I believe so.

4 Q. Okay.

5 A. I don't recall.

6 Q. Okay. And what about horseplay, do you
7 understand what horseplay is?

8 A. No. I put it in the same category as
9 roughhousing, basically.

10 Q. Okay. And what about somebody putting
11 somebody -- somebody putting sand in someone else's
12 boots --

13 A. I do recall that.

14 Q. -- did you see anything like that?

15 A. I do recall an incident. Who was directly
16 involved, I don't recall.

17 Q. That's fine. What would you categorize that as?

18 A. What were your definitions, again?

19 Q. Roughhousing, pranking or horseplay.

20 A. Probably pranking, I would assume. I would
21 guess.

22 Q. Okay.

23 Okay. And how often -- what about joking around,
24 anything like that?

25 A. There was joking around constantly.

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1 Q. Constantly?

2 A. Yeah.

3 Q. What did that consist of?

4 A. It was just -- yeah, there was just jokes. Not
5 necessarily anything bad, just joking, just chit-chat,
6 basically.

7 Q. Would they use vulgar language?

8 A. I don't recall.

9 Q. You don't recall ever hearing vulgar language?

10 A. No, I would assume so. It was a job site. It
11 was construction. I assume there was vulgar language.

12 Q. Okay. So, you never heard anything, like --
13 nothing? You can't give me one example of the vulgar
14 language you might have heard or remember?

15 A. No, I can't.

16 Q. Okay.

17 Okay. Now, with the exception of anything that
18 Joey Estrada did, do you think that pranking or
19 roughhousing was motivated by sexual attraction?

20 A. Aside from Joey Estrada --

21 Q. Right.

22 A. -- correct? Is that what you are saying?

23 Q. Yes.

24 A. I wouldn't know. I don't know nobody else's
25 intentions.

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1 A. I wouldn't know. I mean, obviously, when I would
2 assume someone is flirting with me, it's a female
3 aspect.

4 Q. Do you think any of your supervisors were ever
5 flirting with you?

6 MR. TEETER: Objection, form.

7 A. Yes, ma'am.

8 Q. (By Ms. Garcia) Who?

9 A. Joey Estrada.

10 Q. What about other than Mr. Estrada?

11 MR. TEETER: Objection, form.

12 A. No. Not that I'm aware, no, I don't think they
13 were flirting with me.

14 Q. (By Ms. Garcia) Okay. Did you ever play a prank
15 on anyone else?

16 A. Not that I recall.

17 Q. Did you ever use vulgar language?

18 A. I'm sure I did.

19 Q. Did you ever roughhouse with anyone?

20 A. Not that I recall.

21 Q. Okay. What about on Mr. Rabino, did you ever
22 prank him?

23 A. Not that I recall.

24 Q. Did you ever prank Mr. Arredondo?

25 A. Not that I recall.

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1 Q. Did either of them ever prank you?

2 A. Not to my knowledge.

3 Q. Okay. Who sprayed brake cleaner on your
4 coveralls?

5 A. I have no idea. I never found out who was at the
6 bottom of it.

7 Q. Did you suspect anyone in particular?

8 A. I suspected everybody in particular.

9 Q. Even your friends?

10 A. What's that?

11 Q. Did you have any friends on the crew?

12 A. At that point, it wasn't a friend perspective.
13 It was I had people I talked to more than others.

14 Q. Okay. And the brake cleaner situation, did it
15 upset you?

16 A. No. It was -- it did, but it was expected. I
17 was pretty much a target. I was an easy target for
18 everybody.

19 Q. Okay. Now, let's talk about -- let's talk about
20 your claims.

21 (Exhibit 15 marked)

22 Q. (By Ms. Garcia) I'm going to hand you what's
23 been marked as Exhibit 15.

24 MS. GARCIA: Mr. Teeter.

25 MR. TEETER: Thank you.

1 A. Uh-huh.

2 Q. Let's put aside the date.

3 A. So, in general, are you asking have I ever seen
4 anybody be harassed sexually in general?

5 Q. Sexually, verbally. I want to know to everything
6 you saw --

7 A. Yes, I did see it.

8 Q. -- that you considered harassment at Weatherford.

9 A. Yes, I have seen it.

10 MR. TEETER: Objection, form.

11 A. Exact dates and instances, no, I can't.

12 Q. (By Ms. Garcia) Okay. Let's talk about --

13 A. I -- I know --

14 Q. I'm sorry.

15 A. -- I did see it. But three-and-a-half years ago,
16 asking me now, I don't recall the exact situations.

17 Q. Okay. What do you recall?

18 A. I recall Joey on a regular basis always doing
19 that with his finger (indicating).

20 Q. And that is --

21 A. His finger was cut off, roughly, right above the
22 knuckle; and it was always his little threat -- and I
23 almost want to say it was his middle finger, don't quote
24 me -- but he was always -- that was always his little --
25 little threat to keep people on edge.

1 Like, "You want the nub?" "You want the nub,
2 bitch?" That's a -- it was a -- it was almost like one
3 of those things like a car alarm in Detroit. It's
4 almost you're so used to hearing it, all of a sudden you
5 just don't acknowledgement it anymore; but it was always
6 there.

7 Q. And for purposes of the written record, what you
8 were doing is putting your middle finger up against the
9 palm of your other hand and moving it in a circular
10 motion --

11 A. Correct.

12 Q. -- is that correct?

13 A. That's correct.

14 Q. And along with that gesture, he would say what?

15 A. "You want the nub, bitch," or whatever
16 terminology he used, it always involved a threat with a
17 nub --

18 Q. Okay.

19 A. -- whatever word choice he used that day.

20 Q. Would he say this to everyone?

21 A. To everyone, I can't guarantee you did. To the
22 majority, yes, I assure you he did.

23 Q. And would he -- how often would he say it?

24 A. I don't recall. I recall to myself, maybe, two
25 or three times a day.

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1 Q. Okay. And what about to other people?

2 A. I didn't really pay attention to his deals with
3 other people; but, like I said, it was always said.
4 It's just that at times it wasn't acknowledged.

5 Q. What else did he do?

6 A. Can you please ask the question, again?

7 Q. What else --

8 A. So, I can recall what I'm answering.

9 Q. Of course. Sure.

10 What else did Mr. Estrada do that was harassing
11 or verbally abusive?

12 A. As far as me, can I speak for --

13 Q. Everyone.

14 A. Everyone? Okay.

15 Q. Anything and everything.

16 A. It was a constant basis where I was belittled,
17 where I was never good enough. "Bitch," "asshole,"
18 "fucking" -- whatever you could think of. Whatever he
19 chose to belittle me that day. It was always made known
20 to me that I wasn't good enough, or I wasn't going to
21 amount to shit.

22 Q. Uh-huh.

23 A. Whatever terminology he chose to use, I have no
24 idea; but it was on a constant basis it was always put
25 in my face. And that wasn't even by just Mr. Estrada,

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1 A. Yes, ma'am.

2 Q. Okay. Now, what did you see him doing to other
3 people?

4 A. Other people, well, as far as the vulgar
5 language, that was on a regular -- regular basis. It
6 was. It was just -- I didn't directly see it, but I
7 could hear it. It was one of those voices you could
8 just hear in the background, and you would acknowledge
9 whose it was. You were just kind of waiting the time --
10 waiting to hear it. Do you know what I mean? Like, you
11 would -- you would just assume he's going to start
12 talking shit, and that was it. It was -- yeah, a
13 specific timeline, no. I don't know specific times or
14 incidents, but the voice was always -- it was always
15 there.

16 Q. Okay. So, he was verbally abusive to other
17 people on a regular basis; is that right?

18 MR. TEETER: Objection, form. Misstates
19 testimony.

20 MS. GARCIA: I'm asking him whether that's
21 his testimony.

22 A. Say it -- rephrase?

23 Q. (By Ms. Garcia) Was he verbally abusive to other
24 people on a regular basis?

25 A. Yes.

1 to.

2 Q. And if I asked you -- I know you're bad with
3 timelines, but if I asked you whether what we've talked
4 about is true from February 2012 incident to April
5 incident for other people, would you say it was pretty
6 consistent?

7 A. Yes.

8 MR. TEETER: Objection, form.

9 Q. (By Ms. Garcia) Okay. So, I want to talk about
10 the February incident. Do you recall the date you --

11 A. You're talking about the February incident?

12 Q. Uh-huh.

13 A. No, I don't recall the date. It was in February.

14 Q. Got it. Can you explain what happened?

15 A. That day, in general, we were transporting trucks
16 from one location to another. The exact location, I
17 don't know. I know we were transporting trucks from one
18 location to another. I wasn't able to drive a truck at
19 the time. On one specific trip from moving from the old
20 location to the new one, we had arrived there earlier
21 by, like, 20 or 30 minutes than the people we were
22 waiting for. Joey always made me ride with him. So, we
23 were arrived at the location.

24 In the time period that we were waiting,
25 Nugget -- I don't know his -- Nugget is his name,

1 nickname. I recall him chasing me down, trying to grab
2 me, which I broke loose the first time; and I kept
3 running. At that point -- I had ran short of breath, he
4 caught me. At that point, three or four other
5 individuals came and grabbed me, too. I heard Joey yell
6 for the duct tape. They got the duct tape; and they
7 began taping me from my ankles at every joint to where I
8 was totally, you know, useless. I mean, I was totally
9 duct taped. At that point they put me on the tailgate
10 of the truck, stuck a cigarette in my mouth, and left me
11 there for some period of time.

12 Q. Was the truck moving?

13 A. No, ma'am.

14 Q. Why did they give you a cigarette?

15 A. I think it was just part of the little joke. I
16 think it was to play along with what they thought would
17 be funny.

18 Q. And what happened after you were left there for a
19 period of time?

20 A. Eventually, they came back. And who in
21 particular did it, I have no idea; but came back and
22 started laughing about it. Are you ready -- you know,
23 this and that; and cut the duct tape loose and let me
24 loose. And --

25 Q. Who cut the duct tape loose, do you remember?

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1 Q. Okay. So, maybe others?

2 A. There were definitely others.

3 Q. There were definitely others?

4 A. Yeah.

5 Q. And were the others actively involved?

6 A. Yes. Yes, because it took more than three guys
7 to hold me down. And I know Joey wasn't the one holding
8 me down, and I know Trey Barton wasn't the one holding
9 me down. So, besides Nugget, there was at least three
10 or four other people holding me.

11 Q. Okay. And were there people who were witnessing
12 the incident, but not participating?

13 A. Yes.

14 Q. Who was that?

15 A. I have no idea.

16 Q. And apart from Mr. Estrada, were any service
17 supervisors present?

18 A. Not that I recall.

19 Q. And where did this happen?

20 A. I don't recall. It was on -- it was on site.
21 What site, I have no clue.

22 Q. And you said it started with Joey Estrada
23 yelling?

24 A. It -- it started with Nugget chasing me down and
25 trying to grab me. At that point I had no reason -- I

1 had no idea why he was trying to grab me. It was the
2 first time it happened. I was new to the crew, and I
3 didn't know what was going on. I really didn't know
4 what was going on.

5 Q. Okay. Did you run away?

6 A. Oh, yeah, I tried running. I broke loose the
7 first time, and he caught me after I lost my wind.

8 Q. Okay. And how long did it last? Approximately,
9 how long did it last?

10 A. From start to finish?

11 Q. Yes.

12 A. At least an hour and a half, I would guess. Over
13 an hour.

14 Q. Was there anything sexual about the incident?

15 MR. TEETER: Objection, form.

16 A. Not on my end.

17 Q. (By Ms. Garcia) I mean --

18 A. If they enjoyed touching me, that's up to them.
19 I have no idea.

20 Q. Okay. What about Mr. Estrada, what exactly did
21 he do?

22 A. Actually, Mr. Estrada just ordered someone to get
23 the duct tape; and he just, basically, sat there and
24 talked shit in front of my face the whole time. Just,
25 basically, poking jabs at me is what he was doing.

1 Q. Like, what?

2 A. And then, he actually did pull out his nub. At
3 that time I think he just stuck it in my ear -- got it
4 wet and stuck it in my ear.

5 Q. And what kind of things was he saying to you?

6 A. "Come on, bitch." "Come on, bitch, get loose."
7 "Get loose, bitch." Blah, blah, blah, blah, blah, blah.
8 "Fucking duct tape his arms to his waist." Because they
9 had already duct taped me like that, and they ended up
10 duct taping me to where I was, like, right here; and I
11 couldn't break that loose (indicating). And that's what
12 they wanted to do. But he was just, basically,
13 ordering -- he was, basically, the commander-in-chief;
14 and they were just -- they were just doing exactly what
15 he ordered.

16 Q. Did you ever complain about it?

17 A. To workers, yes. To anybody higher up than Joey,
18 no. It was definitely -- it was definitely known of by
19 the higher ups, but nothing was ever done about it.

20 Q. And why didn't you complain about it?

21 A. Because I was in fear of my job. I was new. I
22 didn't -- I didn't want to burn my bridge. I couldn't
23 afford to lose my job.

24 Q. Did you think it crossed the line?

25 A. Oh, definitely. It crossed the line as soon as

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1 he put his hands on me.

2 Q. And did it ever -- did you ever think "I should
3 complain about it"?

4 A. Yes.

5 Q. Okay. And you didn't?

6 A. No, out of -- no, out of intimidation, out of
7 fear, no, I didn't.

8 Q. And it's because you were new?

9 MR. TEETER: Objection, form.

10 A. I was scared.

11 Q. (By Ms. Garcia) Okay.

12 A. I was scared for multiple reasons.

13 Q. Okay. And so --

14 Okay. And did you say anything during the
15 incident?

16 A. Yeah, I said, "Get off" -- I said, "Get off me,
17 fuckers." I was, like -- when he started -- when he
18 first started chasing me and I broke loose, I remember
19 telling him, "Get the fuck away from me"; and I kept
20 running. But then, I was already out of steam. And
21 then, once I was out of steam, I was basically -- I
22 couldn't do nothing, if I wanted. I was already so
23 burned out from running. It was at the end of the day,
24 keep in mind. And I'm not used to the Texas heat,
25 anyway; and, yeah, I was burned out in an instant.

1 "Is that fucking funny?"

2 And he said, "To everyone but you."

3 And Marty and him started laughing; and then,
4 that pretty much dispersed the whole conversation. It
5 just kind of went to something else. Him and Joey
6 started talking about probably work and walked away.

7 So, I mean, yeah, it was definitely known about
8 at Weatherford. I doubt the owner knew about it, but
9 I'm sure everybody else did.

10 Q. And did you tell Rudy or Marty that you found the
11 duct taping to be offensive?

12 MR. TEETER: Objection, form.

13 A. How do you tell somebody who's laughing about it
14 that it's offensive? I mean, obviously, at that moment
15 is when I knew they don't care.

16 MS. GARCIA: Objection, nonresponsive.

17 Q. (By Ms. Garcia) Did you tell Rudy or Marty ever
18 that you found the duct taping offensive?

19 MR. TEETER: Objection, form.

20 A. No, I thought it spoke --

21 Q. (By Ms. Garcia) So --

22 A. -- for itself.

23 Q. Okay. How were you supposed to know unless --

24 Okay. Let's take a look at Paragraph 19. And
25 the second-to-last sentence on this page says, "Torrez's

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1 one that occurred just before you went to Michigan.

2 Do you understand?

3 A. Yes, I understand.

4 MR. TEETER: Objection, form.

5 Q. (By Ms. Garcia) Okay. Do you recall the exact
6 date that happened?

7 A. No, ma'am.

8 Q. I'll represent to you that it was April the 11th,
9 2012. Okay?

10 A. Okay.

11 Q. Explain to me what happened from your
12 perspective.

13 A. This is to the best of my knowledge --

14 Q. Uh-huh.

15 A. -- that I remember. I remember being under the
16 canopy tent where there's picnic tables set up. And I
17 remember everybody making their way -- gathering under
18 the canopy tent. I remember me sitting next to my
19 mentor, Animal. And as we're sitting there,
20 conversation is going on, people are doing it amongst
21 theirselves.

22 I remember hearing David Gonzalez in the
23 background saying, "We should give Mario a good-bye
24 present," or -- and I believe he said -- I believe he
25 said, "Joey, we should give Mario a good-bye present."

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1 the duct tape. The duct tape came out of nowhere. I
2 don't know how -- what the situation was, but the next
3 thing I know -- it was a pointless struggle. There was
4 no point in even struggling. I had -- I had probably a
5 dozen hands on me, just coming from one way or the
6 other; and I was tired to begin with.

7 They started duct taping me from my ankles to my
8 knees, the same thing -- the same procedure they did on
9 location. At that point they then duct taped me to the
10 pole of the canopy tent. So, not only was I duct taped,
11 I was also duct taped to a pole now where I couldn't go
12 nowhere; and I had individuals on each side of me
13 holding me and wherever. There was -- there was hands
14 touching me everywhere.

15 And I remember -- I remember telling, like,
16 "Fucking, let me go." "Let me go," blah, blah, blah.
17 Just trying to get -- you know, thinking it was a joke
18 at first. Just, basically, trying to get -- just get
19 away from the situation. I thought it was going to
20 happen -- stop as fast as it happened.

21 Well, then, at one point I realized this is --
22 this is more than I'm thinking it is. It's not a joke
23 no more. It's -- they are actually going to do through
24 with whatever they are intending to do, because I was
25 already duct taped, I was already immobile, I couldn't

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1 yelling --

2 A. David Gonzalez.

3 Q. Okay. That was the "good-bye present" comment?

4 A. Yeah, "We should give Mario" -- "We should give
5 Mario a good-bye present, Joey, like we did" -- you
6 know, whatever. Basically, like they did before is what
7 they were saying.

8 Q. Okay. Did you ever work at Weatherford again
9 after that day?

10 A. I believe I worked the next day.

11 Q. You did?

12 And when did you go to Michigan, do you know, how
13 many days later?

14 A. No, I don't recollect how many days later. It
15 wasn't long.

16 Q. So, could it have been one more day of work; and
17 then, you were leaving?

18 A. You can assume that, yeah.

19 Q. Okay. And you said Nugget was there, right?

20 A. Yep.

21 Q. You said Adrian?

22 A. No, you said Adrian.

23 Q. Oh, I'm sorry, I got that confused.

24 David Gonzalez; is that right?

25 A. Yes.

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1 Q. About his waist level, then?

2 A. I don't recall. He put his hand in there with no
3 problem; so, whatever -- wherever they had to be for him
4 to do it, that's where they were at.

5 Q. Did you actually see him touch himself?

6 A. I could see the motion where his nuts are outside
7 of his pants touching -- definitely maneuvering his hand
8 around his genitals.

9 Q. Okay. So, I know it might be difficult to
10 remember; but what happened after you -- after that?
11 You were still taped to the pole. What happened?

12 A. I drew a blank. Like I said, I don't even
13 remember somebody taking the duct tape off. I just
14 remember at one point being done -- yeah, I just
15 remember it being done. I don't even remember the van
16 ride back that day. I couldn't recall anything after
17 that incident. I don't remember anybody having a
18 conversation with me. I don't remember anything brought
19 to my attention. I recall nothing.

20 Q. Were you injured during the incident?

21 MR. TEETER: Objection, form.

22 Q. (By Ms. Garcia) I'm sorry. Let me be clear.

23 Were you injured during the April incident?

24 MR. TEETER: Objection, form.

25 A. Emotionally, mentally.

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1 Q. (By Ms. Garcia) And did you report the incident?

2 A. No, ma'am, I didn't have time.

3 Q. Okay. Any physical injuries at all?

4 A. Just a bad taste in my mouth.

5 Q. Did you get any kind of medical treatment?

6 A. No, ma'am.

7 Q. Okay. And were you aware that Rabino was
8 recording the incident?

9 A. Not till after the incident. I had no idea he
10 was doing it during the incident. I had no idea about
11 anything other than Joey at the time.

12 Q. Did you talk to Mr. Rabino after?

13 A. Yes.

14 Q. What did you guys talk about?

15 A. I don't -- I don't know. I remember him being in
16 my presence. I remember -- I couldn't even tell you
17 what we talked about. I just remember Rabino more than
18 anybody. I think he was the first one that actually
19 came to my aid; and I remember him, that he was there.
20 I don't -- I couldn't even recall the conversation, what
21 we talked about. I couldn't even tell you if he showed
22 me the video. I just know that I remember his face.

23 Q. And have you seen the video before?

24 A. Once.

25 Q. Okay. I'm going to show you the video.

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1 Q. Okay. And --

2 A. I didn't know it was Joey. I can't see behind my
3 head.

4 Q. Okay. And you can't tell who said, "Damn, dude,
5 that's fucked up"?

6 A. No, because I can't tell with the voice on the
7 computer. Because, actually, the other one I thought
8 was Trini; but Trini, when I looked at the picture, he
9 wasn't saying nothing with his lips; so, it couldn't
10 have been Trini.

11 Q. Uh-huh. So, I think -- is it possible it was
12 Rabino?

13 MR. TEETER: Objection, form.

14 A. Is it possible it's Rabino? I guess, it could be
15 a possibility. I have no idea.

16 Q. (By Ms. Garcia) Okay. And what about, "Damn,
17 dude, that's fucked up"?

18 A. I have no idea.

19 Q. Okay. And --

20 A. I haven't -- I haven't talked to these guys in
21 three-and-a-half years --

22 Q. I understand.

23 A. -- I don't even remember what they sound like.

24 Q. And then, you say, "Rabino, you're supposed to be
25 my friend."

1 Do you recall watching that?

2 A. No.

3 Q. Do you want me to replay it?

4 A. You can.

5 (Mr. Richard Rabino entered the room)

6 (Video started)

7 Q. (By Ms. Garcia) No, go.

8 (Inaudible). Who says that?

9 (Video stopped)

10 Q. (By Ms. Garcia) "Look at Joey, he's fucking
11 savoring it?"

12 (Video started)

13 Q. (By Ms. Garcia) Did you hear that?

14 A. Uh-huh.

15 (Video stopped)

16 Q. (By Ms. Garcia) So, the words are, "Look at
17 Joey, he's fucking savoring it." And then, is it you
18 that says, "Rabino, you're supposed to be my friend"?

19 A. According to the video, yeah.

20 Q. And who said -- can you tell now who said, "Look
21 at Joey, he's fucking savoring it"?

22 A. No.

23 Q. Okay. So, were you under the impression that
24 Rabino was actively participating in this?

25 MR. TEETER: Objection, form.

1 A. Was I? I was never under the impression that he
2 had any involvement in it.

3 Q. (By Ms. Garcia) But why did you say, "You're
4 supposed to be my friend"?

5 A. Well, as far as putting his hands on me, he never
6 touched me at all. When people do this, it's almost
7 common that someone has a camera on them. I mean,
8 everybody has a smart phone. And at the end of the day,
9 it never goes to that extent.

10 Q. Uh-huh.

11 A. I'm sure Rabino doing that, he never thought it
12 was going to go to that extent.

13 Q. Uh-huh. I have just --

14 Okay. And what about the other people in this
15 video, did you think they were your friends?

16 A. No.

17 Q. Did you think that they would know that it was
18 going to get that far?

19 A. No, I don't think -- no, no. I don't -- I don't
20 think they really care if it going to get that far. If
21 Joey wanted something done, it was going to be done.
22 They wouldn't have cared to what extent it got done, as
23 long as they looked good in Joey's eyes, that's all they
24 cared about. That's pretty much how it was.

25 Q. Would that include Rabino?

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1 recording these types of incidents?

2 A. I'm clueless to that. I have no idea. I have no
3 idea. I've seen two incidents recorded, and they both
4 involved me.

5 Q. Uh-huh.

6 A. So, to say, in general, that every incident is
7 recorded would be a lie on my part, because I don't
8 know.

9 Q. Uh-huh.

10 A. I know my two incidents, in general, were
11 recorded.

12 Q. Uh-huh. And would Joey Estrada watch the videos?

13 A. I'm clueless to that. I wouldn't know.

14 Q. Okay. I just have one more question about the
15 video --

16 A. Uh-huh.

17 Q. -- if that's okay. It's at the very end.

18 (Video started and stopped)

19 Q. (By Ms. Garcia) Who says that? At the end, who
20 says, "Hey, 50,000 for the video"?

21 A. I'm assuming Richard.

22 Q. Rabino?

23 A. (Witness nods head.)

24 Q. Okay.

25 MR. TEETER: Okay. Is this a good time for

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1 a break?

2 MS. GARCIA: I'm sorry.

3 MR. TEETER: Do you want a break?

4 Q. (By Ms. Garcia) I'm sorry. I just need to
5 clarify something for the record.

6 When I asked you if -- you said -- you said, "I'm
7 assuming," and I said -- you said, "I'm assuming it was
8 Richard." And I said, "Rabino." You nodded your head.
9 Was that a "yes," just for purposes --

10 A. "Yes," that we're talking about the same person?

11 Q. -- of the written record?

12 A. Yes.

13 Q. Okay.

14 MS. GARCIA: Okay. We can take a break.

15 THE VIDEOGRAPHER: The time is 5:49 p.m.,
16 and we're off the record.

17 (Recess from 5:49 p.m. to 6:05 p.m.)

18 THE VIDEOGRAPHER: The time is 6:05 p.m.,
19 and we are back on the record.

20 Q. (By Ms. Garcia) Okay.

21 All right. Mr. Torrez, I'm going to show you
22 some photos that were produced to us by your attorney.
23 Okay?

24 (Exhibit 16 marked)

25 Q. (By Ms. Garcia) And I'm handing you what's been

1 marked as Exhibit 16.

2 Is that you in the picture?

3 A. Yes, ma'am, it is.

4 Q. Okay. And you are tied up?

5 A. Yes, ma'am.

6 Q. And what is the person to the left of the photo
7 doing?

8 A. Duct taping me.

9 Q. Duct taping you?

10 A. I'm not sure if he's duct taping -- I'm assuming
11 he is. I can't tell what he's doing. Is he duct taping
12 me or cutting me loose?

13 Q. I'm not sure. One of the two, right?

14 A. Yeah.

15 Q. And who is that?

16 A. That's Isaac.

17 Q. Okay. And who is in the -- do you see this
18 person we can only see their head?

19 A. That's Animal.

20 Q. Okay. And what about on the other -- on the
21 other side of you?

22 A. The headless one?

23 Q. Yes.

24 A. I couldn't tell you. I can't see his head.

25 Q. Oh, I'm sorry. No, on the other side of you

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1 sitting down, it looks like he's touching you or doing
2 something.

3 A. That's Trini.

4 Q. Okay. Was this after the April 11th incident?
5 Let me ask you this --

6 A. No, ma'am, I believe this is the April 11th
7 incident.

8 Q. Oh, okay. And is this -- does this look like the
9 tent area that we saw in the video?

10 A. Yes, ma'am.

11 Q. And if you'd look at the next picture, that's
12 you, again; is that right?

13 A. Yes, ma'am.

14 Q. And now -- and you're holding a cigarette in your
15 hand?

16 A. Yes, ma'am.

17 Q. And are you smiling?

18 A. Yes, ma'am.

19 Q. And who is next to you standing up?

20 A. Directly next to me?

21 Q. Yes.

22 A. Trini.

23 Q. Can you figure out anybody else in the picture?

24 A. I believe that's David Gonzalez behind Trini to
25 his left -- to his left.

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1 Q. I mean, do you recall your prior testimony?

2 A. Yes.

3 Q. And once you were in Michigan, what happened?

4 Did anybody call you?

5 A. I don't recall.

6 Q. Did you talk to anybody from Weatherford at all?

7 A. Yes, I did. I don't recall whether I was still

8 in Texas or in Michigan.

9 Q. And when was the first time you spoke to Lisa
10 Mora?

11 A. I don't recall. After that incident, maybe. I
12 don't recall.

13 Q. Okay. Do you recall whether she called you?

14 A. Yeah, she called me.

15 Q. And what did she tell you?

16 A. She asked me if there was an incident that
17 happened on the jobsite.

18 Q. And she asked you --

19 A. Yes.

20 Q. -- you said?

21 What did you say?

22 A. I said, "Yes."

23 Q. And did you ask her how she knew?

24 A. Later on in the conversation I did.

25 Q. And what did she say?

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1 A. She wouldn't tell me who told her.

2 Q. Do you know who reported it to her?

3 A. No, I don't to this -- no.

4 Q. Okay. And did you -- how many times did you
5 speak to Lisa Mora?

6 A. One, for sure. I'm not sure after that. One,
7 for sure.

8 Q. Do you remember if you were in communication with
9 Mr. Rabino at the time?

10 A. Well, I'm always in communication with
11 Mr. Rabino, regardless of that incident or not. We
12 always talk.

13 Q. Okay. And what did you talk about, after that
14 incident?

15 A. I don't recall. I couldn't tell you if it was
16 about my kids or what it was about, I couldn't tell.

17 Q. Did you tell him that Lisa called you?

18 A. I don't remember if I did or not.

19 Q. Did y'all discuss hiring an attorney?

20 A. I don't remember the context of the conversation.
21 I don't remember what was talked about.

22 Q. But at some point you discussed hiring an
23 attorney?

24 A. Yes, at some point I imagine we did, yeah.

25 Q. And did you ever tell him about your conversation

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1 A. Yes.

2 Q. What did he say?

3 A. He said -- I don't know the exact conversation.

4 He said -- I -- I don't know the exact conversation. I
5 recall him saying, "Shit is getting bad here." And I
6 remember -- I recall him saying that he was told that
7 he's going to be next.

8 Q. When did he say that to you?

9 A. In a phone call. The exact date, I have no idea.

10 Q. And what did you tell your cousin about the
11 incident?

12 A. I told him exactly step by step how it happened.

13 Q. Uh-huh.

14 A. I believe, if I'm not mistaken, he came on
15 location the next day. And me, him and Rabino broke
16 down the situation of what happened.

17 Q. And what did you guys -- tell me about that
18 conversation.

19 A. That was, basically, the conversation.

20 Q. You just re --

21 A. No, I'm sure there was more. I just don't recall
22 what was actually said besides that. I know -- I know I
23 was directed that I needed to do something about it.

24 Q. Uh-huh.

25 A. That I can't let them get away with that.

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1 Q. Uh-huh.

2 A. And he does this shit all the time.

3 Q. Uh-huh. And did you report it to the company?

4 A. No.

5 Q. And were you -- when you went to Michigan, were
6 you going to come back?

7 A. After that incident, no, I knew I wasn't coming
8 back.

9 Q. Okay.

10 A. Up until that incident, I planned on coming back.

11 Q. Okay. And turn to the next page, if you will.
12 This is still from Lisa Mora. Do you see that at the
13 bottom?

14 A. Uh-huh.

15 Q. And it says, "I will be calling Mario today to
16 confirm this report and initiate an investigation into
17 this allegation. I will keep you posted but wanted to
18 let you know immediately due to the sensitivity of this
19 claim."

20 Do you see that?

21 A. Uh-huh.

22 Q. So, it looks like she wants to do something --
23 she's telling somebody she's doing something quick,
24 right?

25 MR. TEETER: Objection, form.

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1 Do you see that?

2 A. Yes, I do see that.

3 Q. And did Ms. Mora tell you -- indicate that the
4 person who recorded the video would be in trouble --

5 MR. TEETER: Objection --

6 Q. (By Ms. Garcia) -- Mr. Torrez?

7 MR. TEETER: Objection, form.

8 A. I don't remember -- no, I don't remember.

9 Q. (By Ms. Garcia) So, then --

10 A. I don't remember -- I don't remember one way or
11 the other whether she did or didn't. I can't remember
12 the conversation.

13 Q. And this doesn't refresh your recollection?

14 A. I definitely remember talking to her. The exact
15 details, though, or my emotion and her emotion during
16 the conversation, I don't remember.

17 Q. Would you have wanted to protect Mr. Rabino from
18 getting in trouble?

19 A. Would I have wanted to?

20 Q. Uh-huh.

21 A. Yeah, I would have. I definitely wouldn't want
22 him to get in trouble.

23 Q. And then, it says that, "After a few phone calls
24 back and forth to assure confidentiality, Mario told me
25 that the employee who video recorded it on his cell

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1 He was in fear on the site.

2 Q. Okay. And so, you told Ms. Mora that he needed
3 to be taken off, correct?

4 A. Yes, I did.

5 Q. Okay. And did you trust her to do that?

6 A. Had she not, I would have went to another
7 authority.

8 Q. Okay. And next -- at the next paragraph, it
9 says, "Both Mario Torrez and Richard Rabino indicated
10 they may take legal action against those involved."

11 Do you see that?

12 A. Yeah.

13 Q. Did you tell Ms. Mora that you were going to take
14 legal action against the people involved in the April
15 2012 incident?

16 A. No.

17 Q. You didn't?

18 A. I don't recall, no.

19 Q. You don't recall, or you didn't?

20 A. I don't recall anything legal being involved in
21 the situation at that point.

22 Q. Do you recall at least hinting it?

23 MR. TEETER: Objection, form.

24 A. I don't recall the conversation, but I don't even
25 know why I would have hinted it.

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1 Q. (By Ms. Garcia) Okay. Do you recall whether
2 it's possible if you hired a lawyer on or about
3 April 16th, 2012?

4 A. That I did?

5 Q. Uh-huh.

6 A. No, I don't think it's possible that I hired a
7 lawyer.

8 Q. Do you think that Mr. Rabino did?

9 MR. TEETER: Objection, form.

10 A. That's Mr. Rabino. I have no idea.

11 Q. (By Ms. Garcia) He wouldn't have done it on your
12 behalf?

13 A. He may have.

14 Q. Did he come -- did you come down to Texas to hire
15 a lawyer?

16 A. No, ma'am, I didn't.

17 Q. Then, how did you hire a lawyer in Texas?

18 A. I didn't hire a lawyer.

19 Q. How do you have a lawyer representing you in this
20 case?

21 A. That wasn't through me. I didn't initiate that.

22 Q. So, who initiated it?

23 A. I'm guessing, Mr. Rabino.

24 Q. Did he tell you?

25 A. Did he tell me?

1 A. Yes, I remember.

2 Q. Okay. So, let's talk for a minute about
3 reporting this kind of behavior, assault, battery, that
4 kind of thing.

5 You agree Weatherford had a mechanism in place
6 whereby you could report this type of behavior, correct?

7 A. According to this paperwork, yes.

8 Q. And there were several different people you
9 personally could have reported Estrada's actions to,
10 right?

11 MR. TEETER: Objection, form.

12 A. According to the paperwork, yes.

13 Q. (By Ms. Garcia) So, you could have told a
14 different supervisor. Sir, was that an option?

15 A. No, I don't believe I could have.

16 Q. Okay. And you could have told human resources --

17 MR. TEETER: Objection, form.

18 Q. (By Ms. Garcia) -- correct?

19 A. No, I don't believe I could have.

20 Q. And why not?

21 A. I don't believe anybody cared.

22 Q. Okay. And according the policy we looked at, you
23 could have told Weatherford's legal department, as well,
24 correct?

25 MR. TEETER: Objection, form.

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1 A. According to the paperwork, I could have; but I
2 have no idea how I would even contact them --

3 Q. (By Ms. Garcia) Okay.

4 A. -- or if I even would have.

5 Q. And now, we also talked about the Listen Up
6 program, correct?

7 MR. TEETER: Objection, form.

8 A. Yes, you showed me the paperwork.

9 Q. (By Ms. Garcia) Okay. And you could have called
10 and made an anonymous complaint through that program,
11 correct?

12 MR. TEETER: Objection, form.

13 A. I had no idea who Listen Up was.

14 Q. (By Ms. Garcia) Okay. But you have no reason to
15 believe that that third party would not have kept your
16 identity confidential, correct?

17 MR. TEETER: Objection, form.

18 A. I don't believe I would have trusted to call
19 them, either.

20 Q. (By Ms. Garcia) Okay. Did you even want an
21 investigation to take place?

22 A. Yes. However, if it would have been safe for me,
23 I have no idea.

24 Q. Okay. And you're now aware that eventually
25 someone did make a complaint about Estrada to human

1 PRO SE:

2 Joey Estrada

3 561 FM 2508

4 Alice, Texas 78332

5 Phone: 361.701.0853

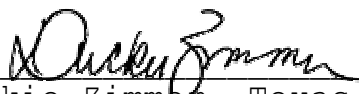
6 Email: jose.estrada@ftsi.com

7
8 That the amount of time used by each party at the
9 deposition is as follows:

10 Ms. Garcia -- 4 hours, 20 minutes

11 I further certify that I am neither counsel for,
12 related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken, and further that I am not financially or
15 otherwise interested in the outcome of this action.

16 Certified to by me this 4th day of May, 2015.

17 
18 Dickie Zimmer, Texas CSR 1954
19 Expiration Date: December 31, 2015
20 Firm Registration No. 150
21 O'Neal*Probst*Wells
22 P.O. Box 60769
23 Houston, Texas 77205
24 713.521.1314
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